

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED
DATE: 4-7-2011
4:52 O'Clock P.M.
JEANNE HICKS, CLERK
BY: T. Brogdon
Deputy

DIVISION PRO TEM B

JEANNE HICKS, CLERK

HON. WARREN R. DARROW

BY: T. Brogdon, Deputy Clerk

CASE NO. V1300CR201080049

DATE: April 7, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA,

Yavapai County Attorney
Sheila Polk/Bill Hughes,
(Via OnBase)
(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,

Thomas K. Kelly,
(Via electronic mail)
(Co-Counsel for Defendant)

(Defendant)

Luis Li/Brad Brian/Truc Do/Miriam Seifter
MUNGER TOLLES & OLSON LLP,
(Via electronic mail)
(Co-Counsel for Defendant, *Pro Hac Vice*)

HEARING ON:
TRIAL – Day 29

NATURE OF PROCEEDINGS

COURT REPORTER
Mina Hunt

START TIME: 9:26 a.m.

APPEARANCES:

Sheila Polk, Counsel for State
Bill Hughes, Co-Counsel for State
Detective Ross Diskin, Case Agent
James Arthur Ray, Defendant
Tom Kelly, Co-Counsel for Defendant
Luis Li, Co-Counsel for Defendant
Truc Do, Co-Counsel for Defendant
Miriam Seifter, Co-Counsel for Defendant
Victim Services Representative

The Court, Counsel, Detective Diskin, Defendant, Victim Services Representative and the Jury are present in the Courtroom.

Ted Mercer having been previously sworn, resumes testimony.

Exhibits 841-881 are offered and admitted into evidence without objection.

The Jury is reminded of the admonition, Ted Mercer is reminded of the Rule for the exclusion of witnesses and excused for a recess.

~~~Recess~~~

At 11:08 a.m. Court reconvenes, all previously appearing parties and the Jury are present.

Ted Mercer resumes testimony.

Exhibits 490, 502, 504 and 507 are admitted into evidence pursuant to stipulation of Counsel.

The Jury is reminded of the admonition, Ted Mercer is reminded of the Rule for the exclusion of witnesses and excused for the lunch recess.

~~~Lunch Recess~~~

At 1:36 p.m. Court reconvenes, all previously appearing parties and the Jury are present.

Ted Mercer resumes testimony.

Exhibits 493, 512, 559-564, and 799 are offered and admitted into evidence without objection.

Court and Counsel conduct sidebar discussion outside of the presence of the Jury on the record.

The Jury is reminded of the admonition, Ted Mercer is reminded of the Rule for the exclusion of witnesses and excused for a recess.

~~~Recess~~~

At 3:27 p.m. Court reconvenes, all previously appearing parties and the Jury are present.

Ted Mercer resumes testimony.

Court and Counsel conduct sidebar discussion outside of the presence of the Jury on the record.

Ted Mercer is reminded of the Rule for the exclusion of witnesses and is temporarily excused. The Jury is reminded of the admonition, advised to return on April 8, 2011 at 9:15 a.m. and excused for the evening recess. The witness and the Jury exit the Courtroom.

Counsel for Defendant requests pursuant to Rule 105, a limiting instruction regarding the admissibility of the prior act evidence before the next witness.

Court and Counsel discuss pending Motions, Memoranda, Responses and proposed limiting instruction. Court advises there are a number of matters remaining and would like for them to be addressed.

Court advises Counsel to be present by 9:00 a.m. on April 8, 2011.

Counsel for Plaintiff requests Counsel for Defendant email the proposed limiting instruction to them by 8:00 p.m. tonight.

The Court stands adjourned for the day.

**END TIME: 4:52 p.m.**

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family (e)  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)  
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)  
Division PTB (e)  
Victim Services (e)  
Court Administration  
Customer Service Supervisor, Verde